

REMARKS

The above amendment and these remarks are responsive to the FINAL office action of Examiner Gerald J. O'Connor, mailed 3 Sep 2004.

Claims 1-3 and 14-23 are in the case, none being allowed.

Response to Amendment

The Examiner has indicated that claims 4-13 had been canceled, and not withdrawn as stated by applicants in their previous amendment. These claims were non-elected claims, withdrawn in response to a requirement for restriction. Inasmuch as the Examiner requires that these be characterized as "canceled", applicants have so indicated, with the understanding that their cancellation is made without prejudice.

35 U.S.C. 103

Claim 1-3 and 14-23 have been rejected under 35 U.S.C. 103(a) over Gardner et al. (US 5,758,327).

Applicants have amended the independent claims to incorporate material from, for example, dependent claim 3.

Applicants invention involves the loading of commodity codes and charts of accounts, and expands on that concept in ways not taught by Gardner et al. That is, applicants provide administrators the ability to connect commodity codes with a subset of the accounting codes, as appropriate for the business and country. In this way, a requester or requisitioner ordering an item that is not found in a catalog can still submit a requisition with complete and accurate accounting information. This concept is at the core of applicants' invention, which is front-end business logic and validation. It isn't enough to just load the commodity codes and charts of accounts. The requester needs to be provided a method by which he would be able to enter valid accounting data without a painful process of trial and error. There are hundreds of accounting codes in applicants' chart of accounts. By giving an administrator

the ability to link a handful ("selects from req/cat system database valid accounts with descriptions for a given commodity...") of these codes with a given commodity code, and furthermore to provide a meaningful description of the accounting code, applicants have enhanced the shopping experience for the end user, whether he is ordering from a catalog or not. Once a commodity code is selected, whether from the catalog or by commodity description only, the user then has a short list of just a few account codes (those selected by the administrator), along with a description of when each should be used, for selection. In this way, applicants have ensured that requisitions being sent for approvals are not rejected due to invalid accounting codes, and requisitions that are approved and sent to the processing system (ERP) also do not fail validation upon automated entry.

This process is explained in applicants' specification, as follows:

Thus, in accordance with a preferred embodiment of the invention, a method is provided for creating a valid chart of accounts from which an administrator 184 can facilitate and enable a requisitioner to select a

valid general ledger account. First, there is push from an enterprise (erp) system a chart of accounts 140 with descriptions to a req/cat system database. The administrator selects from req/cat system database valid accounts with descriptions for a given commodity and purchase time period, and then pushes the selected account/description tuple to the company commodity groups, thus completing the setup of the commodity documents 150 to be used in the requisition creation process. A company commodity document 150 created by administrator 184 may include for each commodity code under each company, commodity code 152, which is a very broad category, short description 190, long description 191 (from procurement organization 182), key words 192, approvers 193, financial information 194 (including purchase type 198, and general ledger account 199), route-to buyer 195 (by plant association), preferred supplier 196 (which associates the commodity code to a catalog 158), and special handling code 197 (with drop list including, for example, skills matching, obi, administrative services) -- all used to drive the customer to the correct commodity.

Thus, in accordance with a preferred embodiment of

the invention, a method is provided for creating a valid chart of accounts from which an administrator 184 can facilitate and enable a requisitioner to select a valid general ledger account. First, there is push from an enterprise (erp) system a chart of accounts 140 with descriptions to a req/cat system database. The administrator selects from req/cat system database valid accounts with descriptions for a given commodity and purchase time period, and then pushes the selected account/description tuple to the company commodity groups, thus completing the setup of the commodity documents 150 to be used in the requisition creation process. A company commodity document 150 created by administrator 184 may include for each commodity code under each company, commodity code 152, which is a very broad category [sic], short description 190, long description 191 (from procurement organization 182), key words 192, approvers 193, financial information 194 (including purchase type 198, and general ledger account 199), route-to buyer 195 (by plant association), preferred supplier 196 (which associates the commodity code to a catalog 158), and special handling code 197 (with drop list including, for example, skills matching, obi, administrative services)

-- all used to drive the customer to the correct commodity."

"To create a requisition, a user searches against commodities and catalogs in commodity description documents 150, which may be Notes documents or DB2 records, and creates one or more line items. These searches may be done by catalog and non-catalog, and driven based on descriptions entered by requester. A hierarchy of families may be provided as an alternative search approach. The requisitioner initiates a proceed to accounting process, which displays line items which may be selected by requisitioner; and then displays a financial worksheet created by a Java agent with fields which need to be selected or populated by the requisitioner from the company commodity document, based on purchase type, and which presents valid general ledger accounts numbers and descriptions to the requisitioner." (Specification, page 30, line 3 to page 31, line 17.)

Applicants previously amended each of the independent claims to more specifically recite that the description maps account codes selected by the administrator to a given

commodity code from an associated accounting system for use by a requester to select the correct general ledger account when doing financial validation on a requisition for commodities. In this amendment, applicants further refine the independent claims to clarify that upon the requisitioner selecting a commodity from a commodity description document and initiating a proceed to accounting process, the requisitioner is presented with a financial worksheet which presents valid general ledger accounts numbers and descriptions for selection by the requisitioner. This concept has been in the case all along (see, for example, claim 3) and is not taught by Gardner.

With respect to this concept (claim 3, and now all independent claims), the Examiner refers to Gardner, col. 6, line 27 to col. 9, line 56. Applicants respectfully traverse, and argue that Gardner does not teach presenting to the requisitioner a financial worksheet which presents valid general ledger accounts and descriptions in response to a requisitioner having selected a commodity code and initiating a proceed to accounting function. Rather, Gardner is directed to providing text, video, audio or multimedia file attachments (col. 6, line 27 to col. 7, line 10), forming a requisition file (col. 7, line 11-30),

initiating an authorization process (col. 7, line 31 to col. 8, line 51), tracking progress (col 8, lines 52-57), obtaining input from a financial entity (col. 8, lines 64), forming transmitting purchase orders (col. 8, line 65 to col. 9, line 25), and receiving delivery of items (col. 9, line 26-56). In none of this is there any teaching of the claimed concept where responsive to the requisitioner selecting a commodity from a commodity description document and initiating a proceed to accounting process, the requisitioner is presented with a financial worksheet which presents valid general ledger accounts numbers and descriptions for selection by the requisitioner.

Further, applicants invention relates to the administrator subsetting (by selecting) a general ledger system's chart of accounts into subsets (of selected accounts) that are usable and meaningful for the requester before they (the requesters) ever start the requisition process. This is brought out in all of the claims by language such as "administrator selecting from said requisition catalog system database valid accounts with descriptions for a given commodity and purchase period for said given company."

The Examiner states that Gardner et al. "do not specifically disclose that the chart of accounts includes descriptions...", but states that such "are well known, hence obvious, elements to include in any system of requisitioning accounting" (Office Action, pages 3-4, emphasis added). Applicants traverse this conclusion, which is apparently based (implicitly) on the Examiner's personal knowledge, or else draws on applicants' own disclosure. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1-3 and 14-23. However, if the Examiner maintains this rejection, Applicants again and respectfully request that the Examiner provide an affidavit attesting to this statement pursuant to 37 CFR 1.104(d)(2).

With respect to claims 3, 17, and 19-23, the Examiner observes that Gardner et al. "do not disclose the recited details of the descriptions of each commodity codes", but then asserts that "the recited elements of the commodity code descriptions are all well known, hence obvious, elements to use in any commodity code description." (Office Action, page 14). Applicants traverse this conclusion, which is apparently based on the Examiner's personal knowledge, or else draws on applicants' own disclosure. Accordingly, the Examiner is respectfully requested to

withdraw the rejection of Claims 1-3 and 14-23. However, if the Examiner maintains this rejection, Applicants again respectfully request that the Examiner provide an affidavit attesting to this statement pursuant to 37 CFR 1.104(d)(2).

With respect to claims 2, 16, and 18, these claims are dependent upon claims 1, 14, and 15, respectively, and are distinguished from Gardner as previously discussed.

In essence, the rejection of claims 1-3 based on Gardner, et al. represents hindsight reconstruction of Gardner, et al. based on applicants' own disclosure, and thus does not satisfy the requirements for the prima facie case which the Examiner must provide.

Applicants urge that claims 1-3 and 14-23 be allowed.

Admitted Prior Art

The Examiner states (at page 6 of the Office action) that "...as applicant has now failed to seasonably provide any *proper* traverse to the examiner's stated positions as to what is well known prior art, and as any traverse (proper or not) would no longer be considered seasonable, the objects

of the well known statements are therefore now deemed and considered henceforth to be admitted prior art.

Applicants respectfully traverse. There is no such admission by Applicants of record, and to the contrary the record clearly indicates that applicants traversed the assertions as to what is well known prior art. To the extent that the Examiner is considering facts Noticed as admitted, Applicants respectfully disagree since prosecution remains open. See, *In re Soli*, 317 F.2d 941, 137 USPQ 797, 800 (CCPA 1963) (record not fixed while response may be made to the Patent Office).

Further, applicants specifically traverse the Official notice relating to Gardner providing the claimed features, and kindly request the Examiner to provide a reference supporting such Official Notice. See, *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002) ("[D]eficiencies of the cited references cannot be remedied by the [Office's] general conclusions about what is basic knowledge or common sense. The [Office's] findings must extend to all material facts and must be documented on the record, lest the haze of so-called expertise acquire insulation from accountability. Common knowledge and common sense, even if assumed to derive

from the agency's expertise, do not substitute for authority when the law requires authority.") (Internal quotes and citation omitted).

The courts have held that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See *In re Royka*, 490 f.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, Gardner lacks any teaching or suggestion of certain recited claim features, including specifically that upon the user (requisitioner) selecting a commodity from a commodity description document and initiating a proceed to accounting process, the requisitioner is presented with a financial worksheet which presents valid general ledger accounts numbers and descriptions for selection by the requisitioner. Therefore, Applicants respectfully submit that the rejection of all and any claims over Gardner has been obviated, and kindly request favorable reconsideration and withdrawal.

Moreover, it is well settled precedent that to establish *prima facie* obviousness, there must be some suggestion or motivation to modify the reference. See, *In re Rouffet*, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1457 (Fec.

Cir. 1998). "Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment." *Al-Site Corp. v. VSI International Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed.Cir. 1999). Therefore, Applicants respectfully submit that there is no such teaching or suggestion of record that would motivate one of ordinary skill in the art to modify Gardner to arrive at the claimed invention, which includes the limitation that upon the requester selecting a commodity from a commodity description document presenting the commodity codes and initiating a proceed to accounting process, presenting to the requisitioner a financial worksheet with valid general ledger accounts numbers and descriptions for selection by said requisitioner. Therefore, Applicants further request favorable reconsideration and withdrawal of the rejection.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-3 and 14-23.


The Application is believed to be in condition for

allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

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By


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Date: 28 Oct 2004

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